

January 23, 1984

LB 420

SENATOR CLARK: Thank you, Mr. President. I think I did explain the bill last time. The only bad thing about the bill according to Senator Beutler was that he wanted to take some liability away and that is what we disagreed on and Senator Beutler has since gotten this liability amendment of his that we are in agreement with and I would like to have him present that at the present time. All this is is a good samaritan type bill. So if he would present his amendment as amended by himself, then I would support that.

PRESIDENT: Amendment on the desk.

CLERK: Mr. President, Senator Beutler had an amendment offered earlier. I understand, Senator, you wish to withdraw that one. And, Mr. President, Senator Beutler and Hoagland would move to amend the bill.

PRESIDENT: The other amendment is withdrawn. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this is a compromise amendment that has been agreed upon as between Senator Clark and people interested in the bill and those who had questions about the bill or some of us who had questions about the bill anyway and like all compromise amendments it doesn't agree with anybody totally. Basically, you may recall this bill provided that in hazardous waste disaster situations that any person who came in and volunteered to give assistance, the person was very broadly defined, was going to be exempted from liability for the negligence, for any negligence that may occur, and this was going to happen whether a company or anybody had requested them to come in and help, regardless of the particulars of the situation. What the amendment would do is basically say that that is fine, we will go along with that but in the event that there is some negligence on the part of this volunteer, then in that event the company or the individual who was responsible for the spill or for the disastrous conditions would pick up the liability for any negligence on the part of the volunteer. So with that compromise we don't end up with a situation where somebody could be harmed by the actions of a volunteer but have no way of spreading the cost of that harm to society generally through liability on the part of the company. So basically